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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Guadalupe Lucinda Valdez-Valenzuela,
Plaintiff,

Case No.: 2:22-cv-602

vs.
Cardenas Markets, LLC d/b/a Cardenas; Does I-X,
inclusive, and Roe Corporations I-X, inclusive,
Defendant.

Cardenas Markets, LLC's Petition for Removal

Cardenas Markets, LLC petitions to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges she is a citizen of Nevada.¹ Cardenas Markets, LLC's sole member is Cardenas Holdings, LLC, whose sole member is Hispanic Food Holdings, LLC. Hispanic Food Holdings, LLC's members are 1) Cardenas Markets, Inc, a California entity with its principal place of business in California; 2) NMFP Holdings, Inc., a California entity with its principal place of business in California; and 3) Train Investment Trust, whose trustee is a California citizen.

¹ ECF No. 1-2 at ¶ 2.

1 Plaintiff alleges injury from an accident occurring on October 12, 2020.² Defendants
 2 previously asserted the amount in controversy exceeds \$75,000 based upon a demand Plaintiff
 3 made before suit was filed. She claimed her fall had caused her to incur \$28,597.43 worth of
 4 medical treatment and demanded \$125,000.00 to settle the case.³ The district court disagreed with
 5 Cardenas as to whether the amount in controversy exceeded \$75,000 and remanded the case to
 6 state court.⁴

7 After remand, Plaintiff filed a motion in state court providing further information about the
 8 damages she alleges. She now claims she has received medical treatment at a cost of \$39,437.43,
 9 has an income loss of \$33,896.46, and “is still a candidate for L3-4 micro-discectomy and micro-
 10 decompression procedure. Unfortunately, Plaintiff’s pain has not fully resolved from her
 11 injuries.”⁵ The past medical treatment, plus income loss, plus the “general damages over \$15,000”
 12 pled in the complaint total \$88,333.89. As the amount in controversy does exceed \$75,000
 13 removal is now proper.

14 Cardenas Markets, LLC timely petitioned for removal within 30 days of learning the
 15 amount in controversy exceeds \$75,000. Attached to this petition are copies of all process,
 16 pleadings, and orders served upon them in the state court action.

17 DATED this 11th day of April, 2022.



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 20 BY: /s/ Michael Lowry
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² *Id.* at page 2.

³ ECF No. 1-5.

⁴ 2:22-cv-408.

⁵ ECF No. 1-6 at 4:21-24.

Certificate of Service

Pursuant to NRCP 5, I certify on April 11, 2022, I served **Cardenas Markets, LLC's Petition for Removal** as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

De Castroverde Law Group
1149 South Maryland Parkway
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Attorneys for Plaintiff

BY: /s/ *Michael Lowry*